

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ismael Gracia Bobed
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Group Art Unit: 3781
Examiner: Stephen J. Castellano
Title: WASHING MACHINE LYE CONTAINER

Mail Stop Appeal Brief - Patents

Commissioner for Patents
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REPLY BRIEF

This Reply Brief responds to the Examiner's Answer dated January 21, 2010 in connection with the appeal of the above-identified application.

The Combination of Boved and Bertoldo

Claims 13, 21, 23, 25, 26, 28 and 31-33 stand rejected under 35 U.S.C. §103(a) over European Patent No. 789104 to Boved (hereinafter "Boved"), in view of European Patent No. 961374 to Bertoldo (hereinafter "Bertoldo").

The Boved reference discloses a system for joining two halves of a plastic tub of a washing machine. This closure mechanism is illustrated in Fig. 1 of the Boved reference. As shown therein, axial projections 7 on one half of the tub are inserted into

corresponding orifices 9 of radial cavities 8 on the other half of the tub. This closure mechanism provides a quick easy method of joining the two halves of the tub. In addition, the closure mechanism is secure enough to hold the two halves of the tub together and provide a water tight seal despite the significant forces that tend to pull the two halves of the tub apart during operation of the washing machine.

The Bertoldo reference discloses an electrical junction box which is intended to enclose electrical wiring. The Bertoldo junction box includes a cover 13 that is attached to a main body portion 20 of the junction box via a closure mechanism. The closure mechanism includes stop tabs 50 on the cover 13 which extend down into circular holes 30 in the main body portion 20. Insertion of shafts 60 down into the stop tabs 50 causes distal ends 56 of the stop tabs 50 to expand outward against an enlarged diameter portion 36 of the holes 30.

In the Examiner's Answer, the Examiner contends that one of ordinary skill in the art would have found it obvious to replace the closure mechanism disclosed in the Boved reference with the closure mechanism disclosed in the Bertoldo reference. Specifically, the Examiner asserts that one of ordinary skill in the art would have been motivated to make the substitution because:

- 1) Bertoldo teaches that his closure mechanism can provide a liquid-tight seal;
- 2) Bertoldo indicates that the fastening force of the closure mechanism would be comparable to screw fastening; and
- 3) Bertoldo's closure mechanism would allow quicker assembly than

assembly with the use of screws.

For the reasons explained below, Applicant respectfully submits that none of the reasons provided by the Examiner would have motivated one of ordinary skill in the art to replace Boved's closure mechanism with closure mechanism disclosed in Bertoldo.

To begin with, although Bertoldo teaches that his closure mechanism can provide a liquid-tight seal, this seal is only provided in the context of an electrical junction box. Typically, there are no significant forces that tend to cause the cover of an electrical junction box to become separated from the main body of the junction box. Thus, the Bertoldo closure mechanism need only provide a light amount of closing force to maintain a liquid-tight seal.

As explained in the Applicant's Appeal Brief, the lye container of a washing machine (the wash tub) experiences far greater forces which tend to separate the two halves of the tub from one another. Those forces include the weight of the washing water within the tub, as well as the significant vibration and centrifugal forces which occur when a basket filled with laundry is agitated within a wash tub filled with water. The movement of the basket generates significant forces that act to separate the two halves of the tub.

One of ordinary skill in the art knows about the forces experienced by a washing machine tub. One of ordinary skill in the art would also know that Bertoldo's closure mechanism would not be capable of holding the two halves of a washing machine tub together during normal washing operations. Thus, it is respectfully submitted that the Examiner's first stated reason for the combination would not have motivated one of

ordinary skill in the art to replace Boved's closure mechanism with Bertoldo's closure mechanism.

Next, the Examiner asserts that one of ordinary skill in the art would have been motivated to make the combination because Bertoldo teaches that its closure mechanism would provide the same degree of closing force as would the use of screws. Here again, one must take this assertion in the context of electrical junction boxes. The screws which would be used to attach a cover of an electrical junction box to the main body of the box would be very small screws which would provide relatively little closure force. Here again, the closure force provided by such small screws is sufficient to hold the cover on an electrical junction box because the cover of such a box does not experience any significant forces tending to remove the cover from the box. However, one of ordinary skill in the art would recognize that the holding force provided by the small screws used on an electrical junction box would be completely insufficient to hold the two halves of a tub of a washing machine together during washing operations.

Thus, the fact that Bertoldo teaches that his closure mechanism provides a degree of closure force similar to the use of the screws that normally hold a cover on an electrical junction box also would not have motivated one of ordinary skill in the art to replace Boved's closure mechanism with Bertoldo's closure mechanism.

Finally, the Examiner asserts that one of ordinary skill in the art would have been motivated to import Bertoldo's closure mechanism into the Boved washing machine because it would provide an advantage of lower assembly time compared to the use of screw fasteners. This assertion by the Examiner makes no sense. The Boved closure

mechanism already provides for extremely fast assembly through the insertion of axial projections 7 into corresponding orifices 9 of radial extensions 8. Because Boved already discloses an extremely fast assembly mechanism, there would be no advantage in terms of assembly speed in using the Bertoldo closure mechanism in place of the Boved closure mechanism. In fact, it appears that if Bertoldo's closure mechanism were used in place of the one disclosed in Boved, it would actually result in a slower assembly speed because of the need to insert Bertoldo's shafts 60 down into the stop tabs 50.

In summary, none of the motivations suggested by the Examiner for replacing Boved's closure mechanism with Bertoldo's closure mechanism would have motivated one of ordinary skill in the art to make the substitution. Further, for all the reasons provided in the Applicant's Appeal Brief, Applicant again respectfully submits that one of ordinary skill in the art specifically would not have made the substitution.

Claims 21 and 33

Claims 21 and 33 both further recite a protective projection that extends from a side of a second radial extension, the protective projection surrounding a dowel when it is held at a position on one side of the second radial extension before the second container portion is joined to the first container portion. With reference to Figs. 3 and 4 of the present application, the concentric protective projection is identified with reference numeral 14. As shown in Fig. 3, the concentric protective projection 14 surrounds the end of the dowel 13 while it is held on the left side of the second radial

extension 2, and before the dowel is inserted to help join the two halves of a wash tub together. The concentric protective projection 14 is provided to prevent anything from contacting the dowel and dislodging it from the second radial extension 2 before the dowel is fully inserted into the through hole to join the halves of the tub together.

In the Examiner's Answer, the Examiner asserts that Bertoldo discloses a concentric protective projection as recited in claims 21 and 33. As support for this assertion, the Examiner points to the recessed seat 70 provided on the cover member 13 of the Bertoldo junction box.

Applicant respectfully submit that the recessed seat 70 does not satisfy the recitations provided in claims 21 and 33. Claims 21 and 33 specifically recite that the concentric protective projection protects the dowel before it is fully inserted into the through hole in the center of the pin on the second radial extension. In contrast, the recessed seat 70 disclosed in Bertoldo only surrounds the dowel after the dowel has been fully inserted into a through hole to join the two halves of the mechanism together. Before the dowel of the Bertoldo mechanism is inserted, the recessed seat 70 does not surround or protect the protruding portions of the dowel. Accordingly, Bertoldo's recessed seat 70 does not satisfy the recitations of claims 21 and 33.

Claim 39

In addressing the rejection of claim 39, the Examiner's Answer indicates that the Morel reference teaches "an insertion stop" for a pin. This discussion in the Examiner's Answer is not understood. Claim 39 does not recite "an insertion stop" for a pin. And to

the best of Applicant's understanding, the Morel reference has never been previously asserted to disclose this feature.

Instead, Applicant believes that the Morel reference was intended to disclose a closure mechanism where a dowel is inserted such that the entire shaft of the dowel is accommodated within a through hole. In any event, claim 39 does not recite "an insertion stop," and Applicant does not believe that Morel discloses "an insertion stop."

Moreover, Applicant notes that the feature discussed in the Examiner's Answer with respect to claim 39 – the "insertion stop" – is actually recited in claim 40. And the Examiner has already provided an indication that claim 40 is allowable because it recites this feature. Thus, to the extent the Examiner is now taking the position that this feature is disclosed in the Morel reference, Applicant strongly disagrees. Applicant continues to believe that neither Morel nor any of the other references of record disclose the insertion stop recited in claim 40. Accordingly, Applicant respectfully submits that claim 40 is allowable for this reason.

Claim 19, 20 and 27

Claims 19, 20 and 27 recite that the axial through hole includes fixing ribs to help retain the dowel in a desired position. As explained in the application, the fixing ribs on the through hole are intended to hold a dowel securely in a non-inserted position within the through hole, as illustrated in Fig. 3, before the dowel is moved to an inserted position as shown in Fig. 4.

Claims 19, 20 and 27 have been rejected over Boved, in view of Bertoldo, and

further in view of US Patent No. 4,874,276 to Iguchi. The Examiner's Answer Brief asserts that Iguchi discloses the recited fixing ribs. As support for this assertion, the Examiner points to the ribs 13 on the dowel 12 shown in Fig. 13 of Iguchi.

Applicant notes that the ribs 13 in Iguchi are located on the dowel, not on the axial through hole in which the dowel is mounted. Claims 19, 20 and 27 specifically recite that the fixing ribs are on the axial through hole, not on the dowel.

Moreover, Fig. 13 of Iguchi shows a structure in which the ribs 13 on the dowel 12 will extend down into corresponding apertures cut into the sides of the axial through hole of the Iguchi structure. Accordingly, those fixing ribs 13 would not be effective to hold the Iguchi dowel 12 at a non-inserted position within the axial through hole 1a.

For all the above reasons, it is again respectfully submitted that Iguchi fails to disclose or suggest fixing ribs on an axial through hole as recited in claims 19, 20 and 27.

CONCLUSION

In view of all of the arguments provided in Applicant's Appeal Brief, as well as the additional arguments provided above, it is respectfully submitted that all prior art rejections should be withdrawn.

Respectfully submitted,

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